

### REMARKS

Claims 1, 5, 9, 13, 14 and 23-29 are pending. Claims 9, 25, 26 and 29 have been amended. Claims 1, 5, 9 and 27-29 are the independent claims. The specification as been amended, without adding new matter.

Claims 9, 25, 26 and 29 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the position was taken that the specification at page 14 describes a recording medium that could include a radio communication, permitting these claims to be read as encompassing "signal claims," which are not patentable. In response, the claims have been amended to make even more clear that the computer readable medium is a storage medium storing a program. Moreover, the specification has been amended to remove the language that the recording medium can include a communication medium for cable or radio communication carrying the program. Withdrawal of the rejection under Section 101 is respectfully requested in view of the amendments discussed above.

Claims 1, 5, 9, 13, 14 and 23-29 were rejected under 35 U.S.C. § 102(a) over U.S. Patent 7,222,069 (Suzuki et al.). Applicant traverses.

In independent claims 1, 5 and 9, a first code string input, encoded according to an encoder, is input to a decoder, which decodes the first code string. In the claims, the *decoded* signal is then encoded. The encoding is performed based upon a judgment as to whether the decoded signal is an audio signal or a non-audio signal using information contained in the undecoded first code string.

On the other hand, Suzuki et al. relates to a method of *directly* converting an encoded signal encoded according to a first encoding method, into an encoded signal encoded according to a second encoding method. Suzuki et al. sets out to solve the problem of degradation that occurs in code conversion when an input signal is first decoded (i.e., converted back to audio) and then re-encoded, e.g., according to a different encoding method. See Suzuki et al., col. 8, lines 7-14.

Instead of decoding the signal to a decoded signal, and then re-encoding the decoded signal according a second encoding method, Suzuki et al. converts the encoded input signal (according to a first encoding method) directly into an encoded output signal (according to a second encoding method). See, e.g., col. 8, lines 50-65. The portion of Suzuki et al. cited in the Office Action, i.e., col. 10, line 60 to col. 11, line 25, shows how this is done. In particular, the individual components of the input encoded signal (according to a first encoding method), e.g., the LSP code, pitch-lag code, algebraic code and gain code of the input, are converted directly into corresponding counterpart components of an output encoded signal (according to a second encoding method), without first decoding the input signal into audio. See *id.*

In Suzuki et al., the input encoded signal is converted directly, from a signal encoded according to a first encoding method to a signal encoded to a second encoding method, without decoding the input signal. On the other hand, in independent claims 1, 5 and 9, it is a *decoded signal* that is encoded. Thus, Suzuki et al. does not teach or suggest the claimed method of encoding the decoded signal, still less the advantageous technique of claims 1, 5 and 9 by which the encoding of *the decoded signal* is done based on a judgment relating to the undecoded first code string.

That is, in Suzuki et al.'s voice code apparatus, voice code obtained by a first encoding method is input for converting this voice code to a voice code of a second voice encoding method. To this end, code converters are used to dequantize the codes of each of the components and to quantize the dequantized values by the second voice encoding method. Suzuki et al. neither teaches nor suggests carrying out the coding and decoding as recited in the claims, nor includes any teaching about judging whether the decoded signal is an audio signal or a non-audio signal.

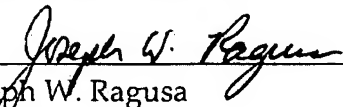
For at least the foregoing reasons, independent claims 1, 5 and 9 are believed clearly patentable over Suzuki et al.

Independent claims 27-29 also recite encoding of the decoded signal, and are believed allowable over the prior art for at least this reason as well. The dependent claims are believed patentable for at least the same reasons as their respective base claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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